

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR No. 1207 of 2015 (O&M)

Date of Decision: 07.05.2015.

Jagdish

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.P. Sharma, Advocate for the petitioner.

Mr. Arun Kumar, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

The instant criminal revision is directed against the judgement dated 21.3.2015, passed by the learned Sessions Judge, Narnaul, who has maintained the conviction of the petitioner under section 420 I.P.C.

Brief facts of the case are that one Manoj Kumar filed a complaint dated 11.4.2009 before the S.D.J.M., Mahendergarh against accused Jagdish (present petitioner) with the allegations that he is drawing old age pension from the State Govt. on the basis of forged documents pertaining to age. Complainant had submitted that as per instructions issued by the State of Haryana, a person is entitled to old age pension only upon completing 60 years of age. It was alleged that accused Jagdish was drawing old age pension since November, 2004, whereas at that point of time he was merely 50 years since the school record indicated his date of birth to be 29.12.1954.

Trial Court convicted the petitioner Jagdish for offence under Section 420 I.P.C holding him to have drawn a total sum of Rs.18,101/- from November, 2004 to June, 2009 fraudulently and by dishonestly

representing himself to be aged 61 years in his application form Ex. PW-4/B and sentenced him to undergo R.I for a period of 3 years and a fine of Rs.1,000/- and in default of payment of fine to undergo further R.I for a period of two months. Aggrieved by the order of the Trial Court, petitioner filed an appeal before the court of Sessions Judge, Narnaul and the same has been dismissed.

Counsel appearing for the petitioner has, at the very outset, made a statement that he is not assailing the conviction of the petitioner on merits and would only make a submission as regards this Court taking a lenient view and to extend the benefit under the provisions of Probation of Offenders Act, 1958.

Learned counsel for the parties have been heard.

Mitigating circumstances have been pointed out by the counsel by submitting that the petitioner is a first time offender, is a poor person and was an agriculturist by profession. Counsel further submits that the allegation proved against the petitioner is of having caused a wrongful loss to the State exchequer of an amount of Rs.18,000/- approximately for the period 2004 to 2009 and the petitioner is ready and willing to deposit back an amount of Rs.40,000/- to make good such loss and which would even take care of the interest component.

This Court is of the considered view that the petitioner is entitled to the benefit of probation. Object of law is not only to punish an offender but also to reclaim him. As per custody certificate furnished by learned State counsel the petitioner has undergone a custody period of one month and 15 days as of date. He is stated to be not involved in any other criminal proceedings.

Accordingly, the present petition is partly accepted. Conviction of the petitioner is hereby affirmed. However, the order of sentence is modified to the extent that the petitioner is directed to be released on probation of good conduct on his furnishing probation bond for a period of one year to the satisfaction of the Trial Court. During this period he will keep peace and be of good behavior and shall be called upon to receive sentence in case of violation of any condition of the bond.

It is, however, clarified that the benefit of this order would enure to the petitioner only upon making a deposit of Rs.40,000/- before the Trial Court and which in turn would be released to the Department of Social Welfare, State of Haryana.

Revision petition is disposed of, accordingly.

(TEJINDER SINGH DHINDSA)
JUDGE

May 07, 2015
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